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Legislative Bulletin

An Official Publication of the Hilliard City Council

Publication Date: July 13, 2021

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ORDINANCES

The Public Hearings on the following Ordinances were postponed until August 23, 2021.

21-20 REZONING 160.2 +/-ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF SCIOTO DARBY ROAD AND ELLIOTT ROAD FROM R-R, RURAL RESIDENTIAL TO HILLIARD CONSERVATION DISTRICT ("HCD"), TO BE KNOWN AS THE HILL FARM DEVELOPMENT.

WHEREAS, Hill Distributing Company (the "Owner") owns 204.6 ± acres of land located at the northwest corner of Scioto Darby Road and Elliott Road in Hilliard, identified as parcel number 053-000322 (formerly known as parcel number 120-001259) and 120-000335 by the Franklin County Auditor's Office (the "Hill Farm"); and

WHEREAS, the Owner desires to rezone approximately 160.067± acres of the Hill Farm to a planned development, as depicted and described on Exhibits "A" and "B", attached hereto and incorporated herein (the "Property"); and

WHEREAS, the Owner submitted application number 21-0546LR to the City's Planning and Zoning Commission to rezone the Property from its current classification of R-R, Rural Residential to that of a Hilliard Conservation District ("HCD") to be identified as the Hill Farm HCD ("Hill Farm HCD"); and

WHEREAS, prior to submitting the application to the City's Planning and Zoning Commission, on April 13, 2021, the Big Darby Accord Review Panel approved of the Owner's development plan; and

WHEREAS, the Hill Farm HCD will permit a maximum of 229 single-family lots with a density of 1.12 dwelling units per acre; and

WHEREAS, as part of the Hill Farm development, the Owner/Developer will convey 77.4± acres of land to the City, including 44.4± located approximately 2,000 feet southwest of Elliott Road and approximately 3,700 feet north of Scioto Darby Road in Brown Township, identified as parcel number 120-000335 by the Franklin County Auditor's Office and as shown on Exhibit "C", **attached** hereto and incorporated herein, which the City will maintain, or cause to be maintained, as permanent public open space; and

WHEREAS, staff determined that the proposal is consistent with the goals and objectives of the Big Darby Accord Watershed Master Plan ("BDAWMP") and the City's Comprehensive Plan concerning land use, including the provision of ample open space with cohesive linkages, recreational trail development, prairie and ground water restoration, and preservation of wetland areas; and

WHEREAS, staff determined that the proposal provides a mix of residential housing products, including 'step-up' housing for current Hilliard residents, as recommended by the City's Comprehensive Plan, and provided a positive recommendation to the City's Planning and Zoning Commission; and

WHEREAS, on May 13, 2021, following its duly advertised public hearing, the Planning and Zoning Commission voted 7-0 to forward a positive recommendation to City Council to rezone the Property to "HCD" Hilliard Conservation District; and

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WHEREAS, the Owner or Developer of the Property shall enter into a Development Agreement with the City for the construction, financing and phasing of public infrastructure improvements, and shall join a New Community Authority under Chapter 349 of the Ohio Revised Code, to finance the costs of certain public infrastructure improvements.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio that:

SECTION 1. Council finds that the proposal is consistent with the goals and objectives of the Big Darby Accord Watershed Master Plan ("BDAWMP") and the City's Comprehensive Plan concerning land use, including the provision of ample open space with cohesive linkages, recreational trail development, prairie and ground water restoration, preservation of wetland areas, and provides the City with unique and diverse housing opportunities for its residents. Council also finds that application of a ten percent density credit to the Hill Farm HCD is justified given that the open space provided by the development is more than the 50% required by the BDAWMP and by the City's Code.

SECTION 2. The 160.067+/- acres of Property owned by the Hill Distributing Company, located at the northwest corner of Scioto Darby Road and Elliott Road in Hilliard, the graphical depiction and legal description of which are **attached** hereto as Exhibits "A" and Exhibit "B" respectively, and incorporated by reference herein, is rezoned from R-R, Rural Residential to "HCD" Hilliard Conservation District pursuant to Chapter 1115 of the City's Codified Ordinances.

SECTION 3. The 77.4+/- acres of land to be conveyed to the City as shown on Exhibit "C" is approved.

SECTION 4. The Hill Farm HCD Development Standards Text dated June 15, 2021, and the Development Plan dated June 15, 2021, **attached** hereto as Exhibits "D" and "E" respectively (collectively, "The Hill Farm HCD Plans and Text"), and incorporated by reference herein, are approved.

SECTION 5. The Owner/Developer of the Property shall enter into a Development Agreement with the City, subject to Council approval, for the construction and phasing of public infrastructure improvements, and shall join a New Community Authority under Chapter 349 of the Ohio Revised Code, to finance the costs of certain public infrastructure improvements as identified in the Development Agreement.

SECTION 6. This Ordinance shall be in full force and effect from and after the earliest period provided for by law.

21-21 **AUTHORIZING THE CITY MANAGER TO ENTER INTO A DEVELOPMENT AGREEMENT WITH M/I HOMES OF CENTRAL OHIO LLC (HILL FARM DEVELOPMENT).**

WHEREAS, the M/I Homes of Central Ohio LLC (the "Developer") owns or is in the process of acquiring 204.4676 ± acres of land in the City of Hilliard, identified as Parcel Nos. 053-000322 and 120-000335 by the Franklin County Auditor's Office, as depicted on Exhibit "A") (collectively, the "Hill Farm"); and

WHEREAS, 160.067 ± acres of the Hill Farm are within the corporate boundaries of the City of Hilliard (the "Developer's Property") and the remaining 44.4 ± acres are outside the City's corporate limits; and

WHEREAS, on _____, City Council approved Ordinance No. 21--__ rezoning the Developer's Property from R-R, Rural Residential to HCD, Hilliard Conservation District ("Hill Farm Development"); and

WHEREAS, the Developer desires to purchase the Hill Farm, in order to construct 229 detached single-family dwellings on the Developer's Property; and

WHEREAS, the Developer desires to enter into a Development Agreement with the City regarding construction of all public infrastructure improvements necessitated Hill Farm Development, consistent with the development text and plans and the requirements of the City Engineer; and

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WHEREAS, the City and the Developer have agreed to the terms of a Development Agreement, attached hereto and incorporated herein as Exhibit “A”, which requires the Developer to construct necessary public infrastructure improvements and to dedicate those public infrastructure improvements to the City for public use.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio that:

SECTION 1. The City Manager is authorized to enter into a Development Agreement with the M/I Homes of Central Ohio LLC for the construction and installation of public infrastructure improvements, in a form substantially similar to the one **attached** hereto as Exhibit “A” and incorporated herein, with such non-material and non-adverse changes to the City as may be deemed appropriate by the City Manager and Director of Law, with her execution thereof on behalf of the City constituting conclusive evidence of Council’s approval of such changes.

SECTION 2. The reference to “Owner” and “Developer” as used in this Ordinance, shall refer to any entity in control of the Property that submits plans to the City to develop the Hill Farm Development and is issued a building permit.

SECTION 3. This Ordinance shall be in effect from and after the earliest time provided for by law.

The following Ordinances were passed on July 12, 2021.

21-22 PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF HILLIARD, OHIO AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 2, 2021, AN ORDINANCE TO AMEND SECTIONS 183.01 AND 183.04 OF THE CODIFIED ORDINANCES TO INCREASE THE INCOME TAX RATE FROM TWO PERCENT (2%) TO TWO AND ONE-HALF PERCENT (2.5%) AND TO DEDICATE THE REVENUE RESULTING FROM THE ONE-HALF PERCENT (0.5%) INCREASE TO RECREATION AND PARKS CAPITAL AND OPERATIONAL EXPENSES, INCLUDING, BUT NOT LIMITED TO, THE DESIGN, CONSTRUCTION, MAINTENANCE AND OPERATIONS OF A NEW COMMUNITY CENTER.

WHEREAS, on January 25, 2021, City Council adopted Resolution No. 21-R-06 establishing a recreation and parks advisory committee (“RPAC”), which would provide recommendations on various matters including planning and development of existing and new parkland and recreational facilities; and

WHEREAS, concurrently, the Administration entered into an agreement with BallardKing for the purpose of conducting a recreation center feasibility study (the “Study”) and to conduct a parks and recreation needs assessment (the “Survey”); and

WHEREAS, the Study suggested support for the construction of a community center and the Survey determined residents desired additional recreation and parks amenities and programming; and

WHEREAS, in order to provide these increased services, as well as maintain and support current services, the RPAC and City Administration recommends that the City increase the income tax rate from two percent (2%) to two and one-half percent (2.5%); and

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WHEREAS, the additional one-half percent (0.5%) would be solely dedicated to recreational and parks capital, programming, and operational expenses, including, but not limited to, the following:

- Community Center design, construction, maintenance and operations;
- Trail acquisition, development and maintenance;
- Parkland acquisition, development, and maintenance;
- Athletic field and facility design, construction, maintenance, and operations;
- Art, culture and history facility and site acquisition, development, maintenance, and operations;
- Recreation, parks, health and wellness programming and services;
- Older adult programming and services;
- Special Events programming and services;
- Recreation and parks facility upgrade and maintenance;
- Road, utility, and other capital associated with Recreation and Parks infrastructure development and maintenance; and
- The payment of principal and interest on debt issued by the City for the expenses listed above.

WHEREAS, Ohio Revised Code Section 718.04(C)(2) requires the City to obtain approval of majority of electors to levy a tax on income; and

WHEREAS, it is the desire of the Council of the City that the income tax increase from two percent (2%) to two and one-half percent (2.5%) be placed before the electorate of the City for approval at the General Election held on November 2, 2021.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio, that:

SECTION 1. Pursuant to Ohio Revised Code Section 718.04(C)(2), City Council hereby approves the submission to the electors of the City of Hilliard, Ohio for their approval or rejection at the General Election to be held on November 2, 2021, a proposed Ordinance to amend Sections 183.01 and 183.04 of the City's Codified Ordinances, to provide for an increase in the income tax rate from two percent (2%) to two and one-half percent (2.5%), **attached** hereto as Exhibit "A" and incorporated herein.

SECTION 2. That the amendment to Sections 183.01 and 183.04 of the Codified Ordinances shall be effective January 1, 2022.

SECTION 3. The Board of Elections is hereby requested to provide a separate ballot in accordance with Ohio Revised Code Section 718.04(C)(2) to submit to the electors for the City of Hilliard, Ohio the proposed ordinance set forth in Section 2, at the General Election to be held on November 2, 2021. Said issue may be placed on a ballot with other issues if authorized by law.

SECTION 4. For purposes of the ballot title, consistent with Section 718.04(C)(2), the following statement of the issues to be submitted to the electors is, in the opinion of this City Council, true and impartial and in compliance with law:

"Shall the Ordinance providing for an additional one-half percent (0.5%) levy on income earned on or after January 1, 2022, such that the total rate levied per annum shall equal two and one-half percent (2.5%), and providing that the revenue resulting from the one-half percent (0.5%) increase be dedicated to a Recreation and Parks Fund to be used for recreation and parks capital and operational expenses, including, but not limited to: Community Center design, construction, maintenance and operations; Trail acquisition, development and maintenance; Parkland acquisition, development and maintenance; Athletic field and facility design, construction, maintenance and operations; Art, culture and history facility and site acquisition, development, maintenance and operations; Recreation, parks, health and wellness programming and services;

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Older adult programming and services; Special Events programming and services; Recreation and parks facility upgrade and maintenance; Road, utility and other capital associated with Recreation and Parks infrastructure development and maintenance; and the payment of principal and interest on debt issued by the City for the expenses listed above, be passed?"

FOR THE INCOME TAX	
AGAINST THE INCOME TAX	

If the majority of electors voting thereon, vote "For the Income Tax Increase" then the proposed ordinance shall be passed and shall take effect in accordance with its terms.

SECTION 5. The Clerk of Council is directed to certify a copy of this Ordinance to the Board of Elections of Franklin County before 4:00 p.m. on Wednesday, August 4, 2021, for placement on the November 2, 2021, General Election Ballot for consideration by City of Hilliard electors.

SECTION 6. Pursuant to Section 3.07 of the Charter for the City of Hilliard, Ohio, this Ordinance shall take effect upon passage.

21-23 **AUTHORIZING THE CITY TO APPLY FOR AND ACCEPT ANY ELIGIBLE FUNDING FROM THE U.S. DEPARTMENT OF THE TREASURER AUTHORIZED UNDER THE AMERICAN RESCUE PLAN ACT, INCLUDING BUT NOT LIMITED TO, REIMBURSING THE CITY FOR ANY REVENUE LOSSES IN ANY GIVEN YEAR FROM 2020-2024 AND FOR ANY ADDITIONAL EXPENSES INCURRED RELATED TO THE COVID-19 PANDEMIC AND DECLARING AN EMERGENCY.**

WHEREAS, to respond to the COVID-19 public health crisis, The American Rescue Plan of 2021 (ARPA) is providing fast and direct economic assistance for American workers, families, small businesses, and industries. The ARPA continues many of the programs started by the CARES Act (2020) and Consolidated Appropriations Act (2021) by adding new phases, new allocations, and new guidance to address issues related to the continuation of the COVID-19 pandemic. As a result of this economic crisis, the U.S. Department of the Treasury is providing needed relief to state, local, and Tribal governments to enable them to continue to support the public health response and lay the foundation for a strong and economic recovery; and

WHEREAS, the City of Hilliard desires to accept ARPA grants to assist in responding to and mitigating the impacts of the COVID-19 pandemic; and

WHEREAS, the City of Hilliard will create Fund 898 which will be titled the "Local Fiscal Recovery Fund" . which is required by the American Rescue Plan Act of 2021; and

WHEREAS, in order to receive the funds distributed in a timely manner, the City respectfully requests that this ordinance be passed by emergency.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio that:

SECTION 1. The City is authorized to apply for and accept funding from the U.S. Department of the Treasury as authorized under the American Rescue Plan Act of 2021, including, but not limited to, reimbursing the City for any revenue losses in any given year from 2020-2024, reimbursing the City for additional expenses incurred related to the COVID-19 pandemic and providing support for a recovery – including through assistance to households, small businesses and

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nonprofits, and aid to impacted industries as permitted by H.R. 1319-117th Congress and any applicable regulations issued by the U.S. Department of the Treasury.

SECTION 2 City Council finds and determines that the creation of the Local Fiscal Recovery Fund, Fund 898, for the collection and disbursement of funds consistent with the American Rescue Plan of 2021 is in the City's best interest and promotes the City's general health, welfare and safety of its residents.

SECTION 3. Those monies received and deposited in Fund 898, the Local Fiscal Recovery Fund, are appropriated upon deposit.

SECTION 4. So that Funds can be received in a timely manner, this Ordinance is declared an emergency measure and shall be effective immediately upon its passage.

**The First Reading of the following ordinances were held on July 12, 2021.
The Second Reading/Public Hearings are scheduled for August 23, 2021.**

21-24 AMENDING THE APPROPRIATION OF FUNDS FOR THE EXPENSES OF THE CITY; AND AUTHORIZING AN EXPENDITURE.

WHEREAS, pursuant to Section 6.10 of the Charter of the City of Hilliard, council may amend the appropriation ordinance, provided the ordinance as amended does not authorize the expenditure of more revenue than is estimated; and

WHEREAS, by the passage of Ordinance No. 20-28 on November 23, 2020, Council adopted the City's 2021 Operating Budget; and

WHEREAS, due to the loss of revenue expected to the City because of COVID-19, all Directors had their pay frozen for the 2021 budget; and

WHEREAS, because income tax revenues are higher than expected, the City desires to increase the Directors wages by 2% retroactively to January 1, 2021; and

WHEREAS, in order to fund the additional pay increases for the City's Directors, the City is requesting a total appropriation of \$36,279.31 from the following funds:

- \$31,416.80 from Fund 101, Object 51
- \$ 1,844.30 from Fund 202, Object 51
- \$ 1,338.21 from Fund 283, Object 51
- \$ 560.00 from Fund 266, Object 51
- \$ 560.00 from Fund 267, Object 51
- \$ 560.00 from Fund 269, Object 51

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio, that:

SECTION 1. An appropriation is made in the amount of \$36,279.31 in the following amounts to provide funds for the pay increases:

- \$31,416.80 from Fund 101, Object 51
- \$ 1,844.30 from Fund 202, Object 51
- \$ 1,338.21 from Fund 283, Object 51

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- \$ 560.00 from Fund 266, Object 51
- \$ 560.00 from Fund 267, Object 51
- \$ 560.00 from Fund 269, Object 51

SECTION 2. An expenditure in the amount not to exceed \$36,279.31 is authorized for Funds 101, 202, 283, 266, 267, & 269 to provide funds for Directors wages increase.

SECTION 3. This Ordinance shall be in full force and effect at the earliest time provided by law.

21-25 **AUTHORIZING THE CITY MANAGER TO ENTER INTO A REAL ESTATE OPTION TO PURCHASE AGREEMENT WITH THE HILLIARD DEVELOPMENT CORPORATION FOR THE SALE OF 6248 ROBERTS ROAD**

WHEREAS, this City owns property at 6248 Roberts Road, Hilliard, County of Franklin, State of Ohio with Franklin County parcel identification number 050-011019-00 and a portion of parcel number 050-011018-00 (the "Roberts Road House"); and

WHEREAS, on July 12, 2010, City Council passed Ordinance No. 10-24 rezoning 50.074 acres of land located on the north side of Roberts Road and East of Alton Darby Road to a Planned Unit Development permitting single family and multi-family dwelling units ("Anderson Meadows"); and

WHEREAS, Schottenstein Homes, LLC (the "Developer") was required to make a parkland dedication of 7.95 acres to the City of Hilliard; and

WHEREAS, the Developer's parkland contribution included 7.4 acres of park land which included the farm house at 6248 Roberts Road and 22.8 acres of off-site open space; and

WHEREAS, the City of Hilliard has designated the Hilliard Development Corporation, a community improvement corporation, as its agency and instrumentality for industrial, commercial, distribution and research development in the City; and

WHEREAS, the Hilliard Development Corporation is interested in entering into a real estate Option to Purchase Agreement for the Roberts Road House; and

WHEREAS, in accordance with Section 151.03 of the City's Codified Ordinances, the City Manager has determined the Roberts Road House to be surplus to the needs of the City; and

WHEREAS, it is in the best interest of the City to enter into an Option to Purchase Agreement for the sale of the Roberts Road House to the Hilliard Development Corporation.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Hilliard, Ohio, that:

SECTION 1. The City Manager is authorized to enter into a real estate Option to Purchase Agreement for the sale of 6428 Roberts Road with the Hilliard Development Corporation, in substantially the form of the Option to Purchase (the "Option"), attached hereto as Exhibit "A", with such changes as authorized by the City Manager and Director of Law that are not inconsistent with the terms of this Ordinance and not adverse to the City.

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SECTION 2. The City Manager is authorized to enter into any agreements or to execute and deliver any documents, certificates or approvals that are necessary or appropriate as provided for in the Option in furtherance of the sale of the Roberts Road House to the Hilliard Development Corporation.

SECTION 3. This Ordinance shall take effect and be in force from the earliest time provided by law.

RESOLUTIONS

The following Resolutions were passed by Hilliard City Council on July 12, 2021.

21-R-50 AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT AN APPLICATION TO SEEK FINANCIAL ASSISTANCE FROM PROGRAMS ADMINISTERED BY THE OHIO PUBLIC WORKS COMMISSION TO ASSIST IN FUNDING THE COSGRAY ROAD PART 1 IMPROVEMENT PROJECT (CIP T-84) AND TO EXECUTE AGREEMENTS AS MAY BE REQUIRED.

WHEREAS, pursuant to Article VIII, Section 2(k) of the Ohio Constitution, the State of Ohio is authorized to issue bonds and other obligations of the State for the purpose of financing public infrastructure improvements of political subdivisions as designated by law; and

WHEREAS, pursuant to Section 164.06 of the Ohio Revised Code, the District Three Public Works Integrating Committee has been created to accept and evaluate applications from political subdivisions in Franklin County seeking state funding

21-R-50 continued:

of local public infrastructure improvement projects, and to recommend selected applications to the state agency vested with the authority to fund such projects, the Ohio Public Works Commission ("OPWC"); and

WHEREAS, by way of conducting a capital inventory and needs assessment, an engineering study, and public involvement, the City has determined that it is necessary and in the City's best interest to submit financial assistance applications for the Cosgray Road Part 1 Improvement Project (CIP T-84) (the "Project"); and

WHEREAS, the Project consists of installation of a roundabout at the intersection with Woodview Way, resurfacing and pavement rehabilitation between the Heritage Trail and the Clover Groff culvert, pedestrian facilities along the west side of Cosgray Road, crosswalk improvements, street lighting at key intersections and pedestrian crossings, stormwater improvements, and landscaping; and

WHEREAS, the City's application will seek funding from the State Capital Improvement Program (SCIP) and/or the Local Transportation Improvement Program (LTIP).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio, that:

SECTION 1. The City Manager is hereby authorized to submit an application to the District Three Public Works Integrating Committee seeking funding from the Ohio Public Works Commission for the Project.

SECTION 2. The City Manager is further authorized to enter into agreements as may be necessary and appropriate to apply for and receive financial assistance from OPWC for the above-named project. Such agreements shall be approved as to form by the City Law Director and in accordance with all authority granted to the Director of Finance, as evidenced by his signature therein, and any limitations imposed thereby.

SECTION 3. This Resolution is effective upon its adoption.

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21-R-51 AUTHORIZING THE CITY MANAGER TO PURCHASE SANITARY SEWER PIPE AND FITTINGS TO FACILITATE THE CONSTRUCTION OF A NEW GRAVITY SEWER AND FORCE MAIN BETWEEN COSGRAY ROAD AND AVERY ROAD.

WHEREAS, the City of Hilliard sold the Grener property to Amazon Data Services on December 28, 2020; and

WHEREAS, as part of the agreement the City agreed to construct the sanitary sewer infrastructure necessary to service the Grener property (the "Project"); and

WHEREAS, the gravity sewer and force main will also service the Carr Farms subdivision and help facilitate the construction of sanitary sewer that will service Homestead Metro Park and portions of the Tarlton West subdivision; and

WHEREAS, the City expects to bid the Project and in order to have it completed in early 2022 and, due to the 14-16 week lead time for the purchase of the pipe needed for the gravity sewer and force main, it is necessary for the City to purchase pipe prior to bidding the Project.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Hilliard, Ohio, that:

SECTION 1. An expenditure in an amount not to exceed \$900,000 is authorized from Fund 304 Object 55.

SECTION 2. The City Manager is hereby authorized seek competitive pricing and purchase pipe and related materials necessary to facilitate the timely construction of a new sanitary system from Cosgray Road to Avery Road.

SECTION 3. The City Manager is authorized to sign and execute any and all documents or agreements necessary to effectuate the purchase of materials as authorized hereunder.

SECTION 4. The Finance Director is authorized to make any accounting changes to revise the funding source for any contract or contract modification associated with expenditure of the funds.

SECTION 5. This Resolution is effective upon its adoption.

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